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Metal 1258-WCG

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Peter Sandler et al.
Serial No. : 08/959,054
Filed : October 28, 1997
For : DEVICE FOR AUTOMATICALLY EMPTYING A BULK CONTAINER
Art Unit : 3617
Examiner : To be assigned

June 3, 1998

Box PCT
Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

PETITION TO PROCESS APPLICATION AS
NATIONAL STAGE OF PCT APPLICATION

The filing receipt which Applicants recently received indicates that the present application is being processed as a National Application Under 35 U.S.C. 111(a). A copy of the filing receipt is annexed hereto.

This application was actually filed as a National Stage of PCT/EP96/02766, however. A copy of Applicants' transmittal letter is annexed hereto.

It is respectfully requested that the Commissioner exercise his supervisory authority to correct this error and process the Application as a National Stage Application of PCT/EP96/02766. It is also respectfully requested that a filing receipt be issued, reflecting the status of the application as a National Stage Application of said PCT application. It is further respectfully requested that a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 and 1.495 be issued.

The Commissioner is hereby authorized to charge the fee for this petition to Deposit Account No. 19-3869. It is believed that the fee for this petition is \$130, pursuant to 37 CFR 1.17(h), but if this is not correct, the Commissioner is authorized to charge the correct fee under the correct section to the foregoing deposit account.

Inasmuch as it appears that the present situation arose through no fault of Applicants, it is respectfully requested that the foregoing fee be refunded.

Respectfully submitted,

SPRUNG KRAMER SCHAEFER & BRISCOE

By William C. Gerstenzang
William C. Gerstenzang
Reg. No. 27,552

660 White Plains Road
Tarrytown, New York 10591-5144
(914) 332-1700

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231 on June 3, 1998.

SPRUNG KRAMER SCHAEFER & BRISCOE

By William C. Gerstenzang

Date 6/3/98

Enclosure

CA 3617b

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JUN 6 1998

Please type a plus sign (+) inside this box → ☒

Approved for use through 9/30/00. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	08/959,054
	Filing Date	October 28, 1997
	First Named Inventor	Peter Sandler, et al.
	Group Art Unit	3617
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number	Metal 1258-WCG

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Petition to Process Application as National Stage of PCT Application
Additional enclosures: Fee transmittal form, Copy of filing receipt, copy of transmittal letter to US Designated Office, copy of associate power of attorney.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	SPRUNG KRAMER SCHAEFER & BRISCOE William C. Gerstenzang
Signature	<i>William C. Gerstenzang</i>
Date	June 3, 1998

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 06/03/98	
Typed or printed name	William C. Gerstenzang
Signature	<i>William C. Gerstenzang</i>
Date	June 3, 1998

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.
 These are the fees effective October 1, 1997.
 Small Entity payments must be supported by a small entity statement,
 otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
 See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete If Known

Application Number 08/959,054
 Filing Date October 28, 1997
 First Named Inventor Peter Sandler, et al.
 Examiner Name To be assigned
 Group / Art Unit 3617
 Attorney Docket No. Metal 1258-WCG

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number SPRUNG KRAMER
 Deposit Account Name 19-3869

☒ Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 ☐ Charge the Issue Fee Set In 37 C.F.R. § 1.18 at the Making of the Notice of Allowance

2. ☐ Payment Enclosed:
☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 790	201 395	Utility filing fee	
106 330	206 165	Design filing fee	
107 540	207 270	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 22	203 11	Claims in excess of 20	
102 82	202 41	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 82	209 41	** Reissue independent claims over original patent	
110 22	210 11	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 950	217 475	Extension for reply within third month	
118 1,510	218 755	Extension for reply within fourth month	
128 2,060	228 1,030	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,320	241 660	Petition to revive - unintentional	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) _____

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 130

SUBMITTED BY

Typed or Printed Name William C. Gerstenzang

Signature *William C. Gerstenzang*

Date 06/03/98

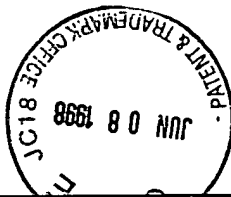
Complete (if applicable)

Reg. Number 27,552

Deposit Account User ID

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FILING RECEIPT



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Patent and Trademark Office
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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/959,054	10/28/97	3617	\$790.00	METAL1258-I	2	6	2

SPRUNG KRAMER SCHAEFER & BRISCOE
120 WHITE PLAINS ROAD
TARRYTOWN NY 10591-5534

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

PETER SANDLER, DUSSELDORF, FED REP GERMANY; KARL
STROBACH, DUSSELDORF, FED REP GERMANY.

FOREIGN APPLICATIONS-

FED REP GERMANY
PCT

195 23 225.9 06/27/95
PCT/EP96/02766 06/25/96

TITLE

DEVICE FOR AUTOMATICALLY EMPTYING A BULK CONTAINER

PRELIMINARY CLASS: 414

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED OFFICE (DO/EO//US)

DOCKET NO.: Metal 1258-IJS

INTERNATIONAL APPLICATION NO. PCT/EP96/02766	INTERNATIONAL FILING DATE 25/June/1996	PRIORITY DATE CLAIMED 27/June/1995
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TITLE OF INVENTION
DEVICE FOR AUTOMATICALLY EMPTYING A BULK CONTAINER

APPLICANT(S) FOR DO/EO/US
Peter Sandler, Karl Strobach

Applicant herewith submits to the United States Designated Office (DO/US) the following items under 35 USC 371:

1. ☒ This express request to immediately begin national examination procedures (35 USC 371(f)).
2. ☒ The U.S. National Fee (35 USC 371(c)(1)) and other fees as follows:

CLAIMS (1) FOR	(2) NUMBERED FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
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<input checked="" type="checkbox"/> TOTAL CLAIMS	6 -20=	0	X \$ 22.00	\$ 0.00
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<input checked="" type="checkbox"/> INDEPENDENT CLAIMS	2 -3=	0	X \$ 82.00	0.00
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MULTIPLE DEPENDENT CLAIM(S) (if possible) + \$270.00

BASIC FEE	\$700.00	+ 700.00
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Surcharge of \$ 130.00 for furnishing the National fee or oath or declaration later than 20 months from any claimed priority date (37 CFR 1.445(a)(5)).

+

TOTAL OF ABOVE CALCULATIONS	= 700.00
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Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (Note 37 CFR 1.9, 1.27, 1.28).

-

SUBTOTAL	700.00
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Credit of \$ for full International Search Fee previously paid to the USPTO for searching corresponding International Application (Note 37 CFR 1.445(a)(4)).

-

SUBTOTAL	\$ 700.00
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Processing fee of \$ 130.00 for furnishing the English Translation later than 20 months from any claimed priority date (37 CFR 1.445(a)(6)).

+

TOTAL FEES ENCLOSED	\$ 700.00
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- a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-3869 in the amount of \$ 700.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Deposit Account 19-3869. A duplicate copy of this sheet is enclosed.
3. ☒ A copy of the International Application as filed (35 USC 371(c)(2)).
 - a. ☒ is transmitted herewith
 - b. ☐ is not required, as the application was filed in the United States Receiving Office.
 - c. ☐ has been transmitted.
 - i. ☐ by the International Bureau.
 - ii. ☐ by the applicant on (date) _____.
4. ☒ A translation of the International application into English (35 USC 371(c)(2)).

5. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
a. ☒ are transmitted herewith.
b. ☐ have been transmitted
i. ☐ by the International Bureau
ii. ☐ by the applicant on (date) _____.

6. ☒ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).

7. ☒ An oath or declaration of the inventor (35 USC 371(c)(4)).

Other document(s) or information included:

8. a. ☒ An international search report or declaration under PCT Article 17(2)(a).
b. ☐ The international search report has not yet issued.

9. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

10. ☒ An assignment document for recording.
Please mail the recorded assignment document to
a. ☒ the person whose signature, name and address appears at the bottom of this page.
b. ☐ the following:

11. ☒ The above checked items are being transmitted.
a. ☒ before the 18th month publication.
b. ☐ after publication and the Article 20 communication but before 20 months from the priority date.
c. ☐ after 20 months but before 22 months (surcharge and/or processing fee included).
d. ☐ after 22 months (surcharge and/or processing fee included).

NOTE: Petition to revive (37 CFR 1.137(a) or (b)) is necessary if 35 USC 371 requirements are submitted after 22 months.

12. ☐ At the time of transmittal, the time limit for amending claims under Article 19
a. ☐ has expired and no amendments were made.
b. ☐ has not yet expired.

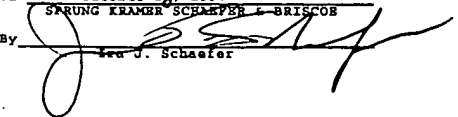
13. ☐ Certain requirements under 35 USC 371 were previously submitted by the applicant on _____
namely:

14. ☒ Preliminary Amendment

Ira J. Schaefer, Esq.
SPRUNG KRAMER SCHAEFER & BRISCOE
120 White Plains Road
Tarrytown, New York 10591
(914) 332-5056


SIGNATURE

26,802
REGISTRATION NO.

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Date of Deposit October 28, 1997
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Postal Service "Express Mail Post Office
to Addressee" service under 37 CFR 1.10 on
the date indicated above and is addressed
to the: Assistant Commissioner for Patents,
Washington, D.C. 20231
on October 28, 1997
SPRUNG KRAMER SCHAEFER & BRISCOE
By 
Ira J. Schaefer